

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN ASSEMBLY JUNE 27, 2011

SENATE BILL

No. 415

Introduced by Senator ~~Wright~~ Price

February 16, 2011

~~An act to add Section 4109 to the Food and Agricultural Code, and to amend Section 8300 of the Government Code, relating to the Los Angeles Memorial Coliseum Commission. An act to amend Section 73 of the Streets and Highways Code, relating to highways.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as amended, ~~Wright Price. Los Angeles Memorial Coliseum Commission. State highways: relinquishment.~~

Existing law gives the Department of Transportation full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law also authorizes the commission to relinquish to a county or city any frontage or service road or outer highway, within the county or city territorial limits, associated with a state highway that has been deleted from the state highway system by legislative enactment, and in other certain cases.

This bill would include, as subject to relinquishment, a park-and-ride lot and would also authorize the commission to relinquish any frontage or service road or outer highway or park-and-ride lot to a county transportation commission or regional transportation planning agency.

~~Under existing law, the Sixth District Agricultural Association, known and designated as the California Science Center, is authorized to build, construct, and maintain and operate a stadium or any arena, pavilion,~~

or other building to be used for specified events, including sports events. The California Science Center is also required to work with the Los Angeles Memorial Coliseum Commission, the City of Los Angeles, and the County of Los Angeles to develop additional parking facilities in Exposition Park.

~~This bill would require the California Science Center, if the Los Angeles Memorial Coliseum Commission fails to perform under or abide by any terms and conditions of a lease between the commission and the California Science Center for the Los Angeles Memorial Coliseum, to become the successor lessor to the commission's interest in the lease and quit and surrender the leased premises to the California Science Center and preserve all assets and minimize all liabilities under the lease, as specified.~~

~~Existing law requires that the joint powers agreement entered into by the City of Los Angeles, the County of Los Angeles, and the California Science Center, creating the Los Angeles Memorial Coliseum Commission, be amended to provide that the membership of the commission be increased to include 2 additional ex officio, nonvoting members, one Member of the Senate appointed by the Senate Committee on Rules, and one Member of the Assembly appointed by the Speaker of the Assembly.~~

~~Existing law further provides that the 2 additional members shall serve terms that are the same as other members of the commission, and shall participate in the activities of the commission to the extent that their participation is not incompatible with their respective positions as Members of the Legislature. Existing law provides that for these purposes, the Members of the Legislature shall constitute a joint investigating committee on the subject of the commission and shall have the powers and duties imposed upon the committees by the Joint Rules of the Senate and Assembly.~~

~~This bill would specify that an ex officio member of the Los Angeles Memorial Coliseum Commission may be present in closed session meetings of the commission, and would also state that this provision is declaratory of existing law.~~

~~The bill would express the intent of the Legislature to pursue an appropriate investigation and review of the financial operations, procedures, and financial dealings of the Los Angeles Memorial Coliseum Commission. The bill would also set forth a related statement of findings and declarations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 73 of the Streets and Highways Code is*
2 *amended to read:*

3 73. The commission shall relinquish to any county or city any
4 portion of any state highway within the county or city that has
5 been deleted from the state highway system by legislative
6 enactment, and the relinquishment shall become effective upon
7 the first day of the next calendar or fiscal year, whichever first
8 occurs after the effective date of the legislative enactment. It may
9 likewise relinquish any portion of any state highway that has been
10 superseded by relocation. Whenever the department and the county
11 or city concerned have entered into an agreement providing
12 therefor, or the legislative body *or governing board* of the county
13 or city, *or county transportation commission created pursuant to*
14 *Chapter 1 (commencing with Section 130000) of Division 12 of*
15 *the Public Utilities Code, or regional transportation planning*
16 *agency* has adopted a resolution consenting thereto, the commission
17 may relinquish, to that county or city, *or county transportation*
18 *commission created pursuant to Chapter 1 (commencing with*
19 *Section 130000) of Division 12 of the Public Utilities Code or*
20 *regional transportation planning agency*, any frontage or service
21 road or outer highway *or park-and-ride lot*, within the territorial
22 limits of the county or city *or jurisdiction of the county*
23 *transportation commission or regional transportation planning*
24 *agency*, which has a right-of-way of at least 40 feet in width and
25 which has been constructed as a part of a state highway project,
26 but does not constitute a part of the main traveled roadway thereof.
27 The commission may also relinquish, to a county or city within
28 whose territorial limits it is located, any nonmotorized
29 transportation facility, as defined in Section 887, constructed as
30 part of a state highway project if the county or city, as the case
31 may be, has entered into an agreement providing therefor or its
32 legislative body has adopted a resolution consenting thereto.

33 Relinquishment shall be by resolution. A certified copy of the
34 resolution shall be filed with the ~~board of supervisors or the city~~
35 ~~clerk, as the case may be~~ *legislative body or governing board of*

1 *the applicable local agency.* A certified copy of the resolution
2 shall also be recorded in the office of the recorder of the county
3 where the land is located and, upon its recordation, all right, title,
4 and interest of the state in and to that portion of any state highway
5 shall vest in the county or city, *or with regard to any frontage*
6 *road, outer highway, or park-and-ride lot, in the county, city,*
7 *county transportation commission, or regional transportation*
8 *planning agency, as the case may be, and that highway, road, or*
9 *portion thereof, or park-and-ride lot shall thereupon constitute a*
10 *county road or, city street, or other local facility, as the case may*
11 *be.*

12 The vesting of all right, title, and interest of the state in and to
13 portions of any state highways heretofore relinquished by the
14 commission, in the county or city to which it was relinquished, is
15 hereby confirmed.

16 Prior to relinquishing any portion of a state highway to a county
17 or a city, except where required by legislative enactment, the
18 department shall give 90 days' notice in writing of intention to
19 relinquish to the board of supervisors, or the city council, as the
20 case may be. Where the resolution of relinquishment contains a
21 recital as to the giving of the notice, adoption of the resolution of
22 relinquishment shall be conclusive evidence that the notice has
23 been given.

24 The commission shall not relinquish to any county or city any
25 portion of any state highway that has been superseded by relocation
26 until the department has placed the highway, as defined in Section
27 23, in a state of good repair. This requirement shall not obligate
28 the department for widening, new construction, or major
29 reconstruction, except as the commission may direct. A state of
30 good repair requires maintenance, as defined in Section 27,
31 including litter removal, weed control, and tree and shrub trimming
32 to the time of relinquishment.

33 Within the 90-day period, the board of supervisors or the city
34 council may protest in writing to the commission stating the reasons
35 therefor, including, but not limited to, objections that the highway
36 is not in a state of good repair, or is not needed for public use and
37 should be vacated by the commission. In the event that the
38 commission does not comply with the requests of the protesting
39 body, it may proceed with the relinquishment only after a public
40 hearing given to the protesting body on 10 days' written notice.

1 ~~SECTION 1. (a) The Legislature hereby finds and declares~~
2 ~~that the mismanagement of the Los Angeles Memorial Coliseum~~
3 ~~Commission (hereafter, the commission) and the lack of~~
4 ~~responsible oversight has placed the commission in a precarious~~
5 ~~financial and contractual position for all of the following reasons:~~

6 ~~(1) Numerous recent events have raised serious questions about~~
7 ~~the operation, oversight, and efficiency of the fiscal affairs of the~~
8 ~~Los Angeles Memorial Coliseum. Recent articles in the Los~~
9 ~~Angeles Times have reported that three years ago the commission~~
10 ~~had \$12,000,000 in reserves, that the amount in reserves is now~~
11 ~~\$1,600,000, and that the commission is expecting an additional~~
12 ~~deficit of \$302,000 in the fiscal year ending June 30, 2011.~~

13 ~~(2) The commission has announced that it will not be able to~~
14 ~~undertake the \$60,000,000 in renovations included in the terms of~~
15 ~~its lease with the University of Southern California.~~

16 ~~(3) A recent scandal exposed by the Los Angeles Times alleges~~
17 ~~that the former events manager is under investigation by the Los~~
18 ~~Angeles County district attorney's office and the Fair Political~~
19 ~~Practices Commission for receiving tens of thousands of dollars~~
20 ~~from companies doing business with the Los Angeles Memorial~~
21 ~~Coliseum that the former events manager failed to disclose for~~
22 ~~four years as required by law. This individual was paid an annual~~
23 ~~salary of \$189,278, and, in addition, he received more than~~
24 ~~\$100,000 per year from each of his private companies that did~~
25 ~~business with the coliseum. Although the former general manager~~
26 ~~of the coliseum approved the event manager's second job with a~~
27 ~~private company, the former general manager asserts that he did~~
28 ~~not approve many of the other deals between the former events~~
29 ~~manager and the other private companies.~~

30 ~~(b) The Legislature hereby finds and declares that there is a~~
31 ~~clear need for an independent audit of the operations and financial~~
32 ~~dealings of the Los Angeles Memorial Coliseum Commission in~~
33 ~~order to ensure that the funds controlled by the commission are~~
34 ~~properly administered by the commission.~~

35 ~~SEC. 2. Section 4109 is added to the Food and Agricultural~~
36 ~~Code, to read:~~

37 ~~4109. (a) As used in this section, the following definitions~~
38 ~~shall apply:~~

1 ~~(1) “Association” means the Sixth District Agricultural~~
2 ~~Association, also known and designated as the California Science~~
3 ~~Center.~~

4 ~~(2) “Commission” means the Los Angeles Memorial Coliseum~~
5 ~~Commission, a joint powers authority created by a joint powers~~
6 ~~agreement pursuant to Chapter 5 (commencing with Section 6500)~~
7 ~~of Division 7 of Title 1 of the Government Code.~~

8 ~~(3) “Lease” means the lease and agreement, designated as the~~
9 ~~Coliseum Lease of 1955, executed on January 3, 1956, by and~~
10 ~~between the association and the commission, including the~~
11 ~~Amendment to Coliseum Lease, executed on February 13, 2008,~~
12 ~~by and between the association and the commission.~~

13 ~~(b) Notwithstanding any other law, or any provision of the lease,~~
14 ~~if the commission fails to perform under or abide by any of the~~
15 ~~terms and conditions of the lease, including, but not limited to, the~~
16 ~~timely payment of rent payments to the association, the association~~
17 ~~shall, upon 30 days’ written notice, become the successor lessor~~
18 ~~in the lease and shall do both of the following:~~

19 ~~(1) Quit and surrender the leased premises to the~~
20 ~~association-lessor, as provided in Article 7 of the lease.~~

21 ~~(2) Preserve all assets, minimize all liabilities, and cooperate~~
22 ~~with the association, including providing, among other things, that~~
23 ~~the maintenance staff shall be under the direction and control of~~
24 ~~the association.~~

25 ~~SEC. 3. Section 8300 of the Government Code is amended to~~
26 ~~read:~~

27 ~~8300. (a) The joint powers agreement entered into by the City~~
28 ~~of Los Angeles, the County of Los Angeles, and the Sixth District~~
29 ~~Agricultural Association known and designated as the California~~
30 ~~Science Center, creating the Los Angeles Memorial Coliseum~~
31 ~~Commission, shall be amended to provide that the membership of~~
32 ~~the commission shall be increased to include two additional ex~~
33 ~~officio, nonvoting members, one Member of the Senate appointed~~
34 ~~by the Senate Committee on Rules, and one Member of the~~
35 ~~Assembly appointed by the Speaker of the Assembly.~~

36 ~~(b) The two additional ex officio members shall serve terms~~
37 ~~that are the same as other members of the commission, and shall~~
38 ~~participate in the activities of the commission to the extent that~~
39 ~~their participation is not incompatible with their respective~~
40 ~~positions as Members of the Legislature. For the purposes of this~~

1 ~~section, the Members of the Legislature shall constitute a joint~~
2 ~~investigating committee on the subject of the commission and shall~~
3 ~~have the powers and duties imposed upon the committees by the~~
4 ~~Joint Rules of the Senate and Assembly.~~

5 ~~(e) An ex officio member of the Los Angeles Memorial~~
6 ~~Coliseum Commission may be present in closed session meetings~~
7 ~~of the commission. This provision is declaratory of existing law.~~

8 ~~SEC. 4. It is the intent of the Legislature to pursue an~~
9 ~~appropriate investigation and review of the financial operations,~~
10 ~~procedures, and financial dealings of the Los Angeles Memorial~~
11 ~~Coliseum Commission.~~